

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HARVEY B. SANTURE,

Plaintiff,

Case No. 1:17-cv-923

v.

HEIDI WASHINGTON, et al.,

HON. JANET T. NEFF

Defendants.

**ORDER**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants filed dispositive motions (ECF Nos. 10, 19, 21). The matters were referred to the Magistrate Judge, who issued a Report and Recommendation on July 2, 2018, recommending that this Court grant Defendant Corizon's motion to dismiss; grant in part and deny without prejudice in part Defendants Corizon and Burke's motion for summary judgment; and grant in part, deny in part, and deny without prejudice in part Defendants Washington and Platte's motion for summary judgment. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 41) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion to Dismiss (ECF No. 10) is GRANTED.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 19) is GRANTED IN PART AND DENIED WITHOUT PREJUDICE IN PART.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 21) is GRANTED IN PART, DENIED IN PART, AND DENIED WITHOUT PREJUDICE IN PART.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendants Corizon and Washington are dismissed for failure to state a claim on which relief may be granted; Plaintiff's claims against Defendant Burke are dismissed for failure to exhaust administrative remedies; and Plaintiff's claims against Defendant Platte are dismissed for failure to exhaust administrative remedies, save for Plaintiff's Eighth Amendment use of excessive force claims based on incidents which allegedly occurred on May 18, 2016, and May 7, 2017.

Dated: July 27, 2018

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge